

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**

**JANUARY 21, 2014**

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, January 21, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Fire Chief Thomas Walker followed by the Pledge of Allegiance led by Councilman Mike Bryan.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Davis called the regular meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR**  
**AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: Executive Session

**4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

No scouts were present for recognition.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

Mayor Shelton gave special recognition to Cassandra Moore and Contanna Purnell of the Tupelo Human Resources Department for their tremendous efforts the past weekend. Both served on the Committee for the King and helped coordinate the events in recognition of Dr. King's birthday. He thanked, also, all Department Heads and employees who had attended these events.

**IN THE MATTER OF PROCLAMATIONS**

The Mary Stuart Chapter of the Daughters of the American Revolution had requested that Mayor Shelton present two Proclamations sponsored by the local chapter. Alice Jennings and Kathy Riles were present and accepted these Proclamations from the Mayor. The first Proclamation proclaims January 2014 as "Cervical Health Awareness

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Month” in the City of Tupelo. Approximately 12,000 American women are affected by this disease each year. Regular screenings are available and are effective in detecting the disease early where it can be treated, primarily among women in the prime of life. The other Proclamation addressed “Heart Disease Awareness Month” which is being proclaimed during the month of February 2014. Most women do not know that heart disease is a woman’s problem and do not take it seriously. There are many risk factors associated with heart disease and women can promote their own health issues and prevent this disease by taking steps to eliminate these risk factors. The Proclamation encourages all citizens to work together to promote and improve the health of women and increase awareness and understanding of this very serious health issue.

**IN THE MATTER OF PUBLIC RECOGNITIONS**

The following public recognitions were made:

Councilman Palmer – Announced a meeting would be held at City Hall on Thursday, January 23, 2014, beginning at 6:00 p.m. This will be an informational session regarding the recent annexation and all citizens are urged to attend to ask questions and to clear up any issues they may have about this matter.

Mayor Shelton – Recognized and named the Members of the Committee for the King who had worked tirelessly the past weekend in making the Martin Luther King Commemoration such a success. Coordinator of this group is Linda Blackmon. Other groups and individuals who participated in the event were Lee County Chapter of the NAACP; St. Paul United Methodist Church and Rev. Gloria McKinney; event speakers Reggie Buchanan; Natonia Staples, Tupelo High School Principal Jason Harris; and Verona Elementary Principal LaKimberly Hobson. Mayor Shelton congratulated Coach Mickey Linder on being awarded the prestigious Drum Major Award for his years of leadership in the community and thanked the MLK Commemorative Choir, Jasmine Murray and Miss Mississippi Chelsea Rick for being a part of the events.

Mayor Shelton – Introduced four Tupelo High School students who had assumed a tremendous job as their Senior Project, that being painting the gym at the Boys and Girls Club. These students were Daniel Purnell, Mathilda Lail, Morgan Stegall and Darby Blankenship. More will be said about these students later on the agenda.

Sherrie Cochran – Described the Senior Project of four Tupelo High School students mentioned by Mayor Shelton. The four had banded together and had chosen painting the gym at the Northside Boys and Girls Club as their project. Ms. Cochran said they were responsible for the entire work, beginning with a plan, procuring supplies, soliciting volunteers and actually doing the work itself. Mayor Shelton presented each a

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Certificate of Appreciation for their project. Councilman Jennings expressed his personal appreciation to the group, stating the Boys and Girls Club was a passion of his and thanked them for taking on this project. In addition to being a great experience for these students, the project saved the Club money.

### **IN THE MATTER OF MAYOR'S REPORT**

Highpoints of Mayor Shelton's report were as follows:

--- The TUPELO FIT program is off to a great start. Several events have already been held at both old and newer city facilities. On Thursday morning, January 23, 2014, a spin class will be held at the Wellness Center at 7:00 a.m. and Zumba aerobics will be held on Sunday, January 26, at the Dance Studio on Spring Street. On February 5, a special fitness event is scheduled featuring Miss Mississippi. She will be doing demonstrations she did to prepare for the Miss America Pageant in which she won the swimsuit competition. This will take place at the high school field house gym at 5:30 p.m.

--- Tonight the City Council is scheduled to vote on whether or not to take over the streets in the formerly private Summit Neighborhood. City Attorney Logan is to introduce two alternative motions for their consideration. One simply accepts the neighborhood in its current condition with the only stipulation being opening the gates for public access and a legal description of the property. The second option allows the city to take over road maintenance for the neighborhood but with several additional stipulations that would require the developer to repair street lights, road damage and a damaged bridge. The Mayor stated it was his recommendation that this second approach be taken and have the issues resolved before being accepted by the City.

--- Mayor Shelton urged the City Council to favorably consider two appointments he had placed on the agenda for tonight. One is for a re-appointment to the Convention & Visitors Bureau and the other is for an appointment to the Tupelo Major Thoroughfare Program Committee.

#### **5. PUBLIC AGENDA**

No items were listed on the Public Agenda for consideration.

#### **6. ACTION AGENDA**

No items were listed on the Action Agenda for consideration.

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**7. ROUTINE AGENDA**

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING**

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, January 7, 2014.

**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Palmer and Jennings:

Check Nos. 117416 through 117734 (Pool Cash Fund)  
Electronic transfers as shown on the face of the docket  
Invoices as shown on the face of the docket  
Requests made by AFLAC to reimburse employees under Flex-One  
Plan as shown on the face of the docket

**IN THE MATTER OF REVIEW REQUEST TO SURPLUS DUTY WEAPON AND MAKE PRESENTATION**

Sgt. Gale Stauffer of the Tupelo Police Department lost his life in the line of duty on December 23, 2013, during an attempted bank robbery. Councilman L. Bryan moved to retire Sgt. Stauffer, posthumously, and in keeping with the traditions of the Police Department and pursuant to statutory authority, to declare the service weapon of Sgt. Stauffer as surplus. The motion was seconded by Councilman M. Bryan and unanimously approved by a vote of the City Council. For \$1.00 consideration, the weapon will be presented to his surviving spouse, Beth Stauffer, conditioned upon fulfilling the administrative and other background requirements to transfer a hand gun.

**IN THE MATTER OF REVIEW/APPROVE RE-APPOINTMENT TO TUPELO CONVENTION AND VISITORS BUREAU**

Mayor Shelton had recommended Mr. Wesley Wells be re-appointed to the Tupelo Convention and Visitors Bureau, his two-year re-appointment to be from January 2014 through January 2016. Councilman M. Bryan moved to approve this re-appointment; the motion was seconded by Councilman Newell, and unanimously

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approved by a vote of the council.

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO TUPELO MAJOR THOROUGHFARE PROGRAM COMMITTEE**

By memorandum to the Tupelo City Council dated January 17, 2014, Mayor Shelton recommended the appointment of Mr. Wesley Webb to the Tupelo Major Thoroughfare Program Committee. Councilman Jennings moved to approve this appointment; the motion was seconded by Councilman Newell; and unanimously approved by the council. A copy of Mr. Webb's bio is attached to these minutes as **APPENDIX A.**

**IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF VEHICLE FROM U. S. MARSHALL SERVICE FOR POLICE DEPARTMENT USE**

On June 4, 2013, the City Council accepted the donation of a Ford Truck (F-150) from the U. S. Marshall Service for use by the Tupelo Police Department. However, the Service was unable to provide this vehicle and instead purchased a black 2014 Ford Explorer for the City of Tupelo Police Department. The reason for the donation is that the City of Tupelo has an officer assigned to the U. S. Marshall Service and he will have use of this vehicle. Kim Hanna, City Clerk, has requested that the vehicle be accepted and added to the list of the Tupelo Police Department assets.

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to accept this vehicle from the U. S. Marshall Service and add to the Tupelo Police Department assets list. A copy of the Certificate of Origin for the donated vehicle is attached to these minutes as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR UNMARKED POLICE VEHICLE FOR USE BY U. S. MARSHALL TASK FORCE**

The Tupelo Police Department had requested by memorandum dated January 14, 2014, that the vehicle referred to in the previous item in these minutes be accepted as an unmarked police vehicle and tagged accordingly. This vehicle frequently operates outside the City in other jurisdictions, serving warrants and looking for wanted criminals often in an undercover situation with the U. S. Marshall's Task Force. The lack of markings keeps from drawing undue attention during certain operations in which the officer needs to remain anonymous.

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously that the 2014 Ford Explorer, VIN #1FM5K8B84EGA23972,

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be accepted as an unmarked police vehicle and tagged accordingly.

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR UNMARKED POLICE VEHICLE**

The Tupelo Police Department had submitted a request dated January 16, 2014, that a 2008 Ford Excursion, VIN #1FMFK155X8LA634791, be accepted as an unmarked police vehicle and tagged accordingly. The reason given for this vehicle being unmarked is that it operates frequently outside the City in other jurisdictions and in undercover events. The lack of markings keeps from drawing undue attention during certain operations in which officers may need to remain anonymous.

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to grant this request that the vehicle be accepted as an unmarked police vehicle and tagged as such.

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR TUPELO FIRE DEPARTMENT TO SURPLUS TWO PUMPERS AND DONATE TO LEE COUNTY, MISSISSIPPI**

Tupelo Fire Chief Thomas Walker had sent a request to Mayor Shelton and the Tupelo City Council that two items be considered surplus and donated to Lee County, Mississippi, to place and use as they see fit.

These items are:

Property Tag No. – 10608  
1990 E-One Cyclone Pumper, 46JBAA89L1003310, purchased 7-1-1990 for  
the amount of \$159,946

Property Tag No. – 10611  
1992 E-One Cyclone Pumper, 4ENAAAA88N1009994, purchased 5-11-1992 for  
the amount of \$178,415

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to approve this request to surplus the two pumpers and donate the same to Lee County, Mississippi.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING**

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the  
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council voted unanimously to accept the minutes of the Planning Committee meeting of January 13, 2014, a copy being attached hereto as **APPENDIX C.**

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR SAFE ROUTES TO SCHOOL PROJECT AND AUTHORIZE MAYOR TO ENTER INTO CONTRACT SUBJECT TO LEGAL REVIEW AND SUBSEQUENT RATIFICATION**

Bids for Safe Routes to School Project SRSP-0430(017)LPA/106386-401000 Tupelo Middle School and Pierce Street Elementary School Sidewalk and Intersection Improvements were opened on January 7, 2014, for this project. According to John Crawley, City Engineer, Prairie Construction was the low bidder with a bid of \$142,112.53. Mr. Crawley recommends that this bid be accepted and the project awarded to Prairie Construction pending MDOT and FHWA concurrence.

Upon a motion by Councilman L. Bryan, seconded by Councilman Newell, the council voted unanimously to award the bid for this project to Prairie Construction as the lowest and best bid of \$142,112.53 and to authorize the Mayor to enter into a contract subject to legal review and subsequent ratification as well as concurrence by MDOT and FHWA. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX D.**

**IN THE MATTER OF REVIEW/APPROVE AGREEMENT FOR ENGINEERING SERVICES FOR WASTEWATER TREATMENT FACILITIES IMPROVEMENTS PROJECT**

Johnny Timmons, Manager of the Tupelo Water and Light Department, had presented to Mayor Shelton and the City Council an "Agreement for Engineering Services" between the City of Tupelo and Cook Coggin Engineers, Inc., requesting approval of the same. This agreement is for engineering services for the Wastewater Treatment Facilities Improvements. Upon a motion by Councilman L. Bryan and a second by Councilman Newell, the council voted unanimously to approve this Agreement for Engineering Services between the City of Tupelo, Mississippi, and Cook Coggin Engineers, Inc. The City plans to construct Wastewater Treatment Facilities Improvements and has employed this firm who agrees to perform the various professional engineering services required for the planning, design and construction phases of the project stated in the Agreement. An executed copy of the same is attached to these minutes and incorporated herein as **APPENDIX E.**

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**IN THE MATTER OF REVIEW/APPROVE VARIOUS DOCUMENTS IN CONNECTION WITH BANK DEPOSITORY**

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to approve the following listed documents in connection with approving the bank depository for the City of Tupelo:

- (A) Resolution Accepting Trustmark National Bank as Lead Bank
- (B) Depository Agreement with Trustmark National Bank
- (C) Credit Card Services Agreement with Trustmark National Bank

The City Council had voted unanimously at the January 7, 2014, meeting to accept the bid proposal of Trustmark National Bank to serve as the depository for the City of Tupelo for a period of two years.

## **8. STUDY AGENDA**

### **IN THE MATTER OF REVIEW/DISCUSS RESOLUTION OF ACCEPTANCE OF SUMMIT SUBDIVISION STREETS**

Councilman Newell offered a motion to suspend the rules and move this item up to the routine agenda for action. The motion was seconded by Councilman L. Bryan and unanimously approved by vote of the council.

Councilman Newell, seconded by Councilman L. Bryan, moved to accept AS IS the streets of the Summit subdivision for dedication to the public and maintenance by the City with the following stipulations:

- 1) Submission of an acceptance plat for recording of the streets, conveyed lots, and rights-of-way;
- 2) Perpetual easement granted to the City specifying that the gate will remain open and the streets open to the public.

A lengthy discussion followed. Councilman Jennings offered an amendment to the motion that the gate house would remain but the gates would be removed. The amendment was seconded by Councilman L. Bryan and unanimously approved by a vote of the council.

After further discussion, Councilman M. Bryan offered an amendment to the original motion that the owners of the subdivision should repair the streets and bridge

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before acceptance by the City. The motion was seconded by Councilman Jennings but failed by the following vote:

VOTING AYE:           Davis, M. Bryan, Jennings



VOTING NAY: Whittington, L. Bryan, Newell, Palmer

Councilman Jennings stated he was going to support the original motion even though he felt there were more questions that should be answered before taking action. He wanted the minutes to reflect that he was supporting the action only for the sake of the citizens in that neighborhood.

Vote was then taken on the original motion which vote was as follows:

VOTING AYE: Whittington, L. Bryan, Newell, Davis, Palmer, Jennings

VOTING NAY: M. Bryan

**IN THE MATTER OF REVIEW/DISCUSS CONTRACT FOR OUTSIDE LEGAL SERVICES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS AMENDMENTS TO LOT MOWING PENALTIES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS REVISED GUIDELINES FOR NEIGHBORHOOD BEAUTIFICATION PROGRAM**

Council Newell offered a motion to suspend the rules and move this item up to the Routine Agenda for action at this meeting. The motion was seconded by Councilman Palmer and unanimously approved by a vote of the council.

Councilman Newell then moved to adopt "Neighborhood Beautification Program Guidelines"; the motion was seconded by Councilman Palmer and unanimously approved by a vote of the Council. The purpose of this program is to provide sustainable beautification projects in public spaces. According to memorandum dated December 12, 2013, from Pat Falkner, Senior Planner, these guidelines have been revised to ensure that funded projects are within the city's legal authority to make grants, and that the projects can be maintained by the neighborhood making the request. A copy of the Guidelines is attached to these minutes and incorporated herein as **APPENDIX F.**

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Councilman Jennings requested that the minutes reflect a review of these Guidelines in one year to ascertain if any changes need to be made.

**IN THE MATTER OF EXECUTIVE SESSION**

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman Palmer, seconded by Councilman Newell, the council voted unanimously to go into executive session to discuss a pending litigation matter.

Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken in regular session.

**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to adjourn the regular meeting at 7:00 p.m.

ATTEST:

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF THE COUNCIL

\_\_\_\_\_  
MAYOR